

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHRISTOPHER M. SWISHER,
244848

Plaintiff,

V.

C/O ROGERS,

Defendant.

Case No. 2:07-cv-75-WKW

MOTION FOR LEAVE TO DEPOSE THE PLAINTIFF

COMES NOW, the Defendant, by and through their undersigned counsel and moves pursuant to Rule 30 (a)(2) of the Federal Rules of Civil Procedure this Honorable Court for leave to depose the Plaintiff, a Person confined in prison on (see attached notice).

Respectfully submitted,

Kim T. Thomas
General Counsel
Deputy Attorney General

/s/ GREG BIGGS (BIG004)
Greg Biggs (BIG004)
Assistant General Counsel
Assistant Attorney General

ADDRESS OF COUNSEL:

Alabama Department of Corrections
P. O. Box 301501
301 South Ripley Street
Montgomery, AL 36130
(334) 353-3888

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served the foregoing pleading upon the Plaintiff:

Christopher M. Swisher
AIS # 244848
Draper Correctional Facility
P.O. Box 1100
Elmore, AL 36025-1107

On this 30th day of May, 2008 by placing the same in the United States mail first class postage, Prepaid and properly addressed.

/s/ GREG BIGGS (BIG004)
Greg Biggs (BIG004)
Assistant General Counsel
Assistant Attorney General

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NOTICE OF DEPOSITION

To: Christopher M. Swisher
AIS # 244848
Draper Correctional Facility
P.O. Box 1100
Elmore, AL 36025-1107

Please take notice that on the June 12th, 2008, the Defendant will take the deposition of Christopher M. Swisher beginning at 9:30 a.m. at the Draper Correctional Facility in Elmore, AL, before a notary public or any other officer duly authorized by law to administer oaths, and he is to bring with him to said deposition the following:

1. Any and all written and/or tape recorded notes, memorandum, or other documents in your possession or subject to your control which support the claims made the basis of this lawsuit.
2. All documents which you utilized to prepare for deposition testimony or to refresh your recollection.

3. Copies of all medical records which are in your possession or control which relate to your medical condition or health during the period of time germane to this lawsuit.
4. Any and all tape recordings of any employee, or former employee, of the Department of Corrections or any other person who may be called to testify in this proceeding.
5. Each notepad and/or notes, calendars or writings used or made you during your incarceration with the Department of Corrections.
6. Any witnesses statements that you anticipate using to support your claims in the above styled cause.
7. Any notes, letters, or other documents received by you from any person that you anticipate calling as a witness in the above styled cause.
8. Any correspondence, written documents, or other papers that relate, in any way, to your purported claims of the above styled cause.

Respectfully submitted,

Kim T. Thomas
General Counsel
Deputy Attorney General

/s/ GREG BIGGS (BIG004)
Greg Biggs (BIG004)
Assistant General Counsel
Assistant Attorney General

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/s/ GREG BIGGS (BIG004)
Greg Biggs (BIG004)
Assistant General Counsel
Assistant Attorney General